

**Enrolled Minutes of the Thirty-first Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Plenary Business Meeting
Monday, March 27, 2017**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, March 27, 2017 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Steven Wagner, Konnie Kuiper and Bernie Zemen were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the easement vacation petition.
2. The Town Council discussed the agenda of the imminent meeting.

The study session ended at 6:55 O'clock p.m.

Regular meeting. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, March 27, 2017 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Dan Vassar presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Steven Wagner reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Mark Herak, Dan Vassar, Steven Wagner, Konnie Kuiper and Bernie Zemen. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; George Georgeff, Metropolitan Police Commander; John M. Bach, Public Works Director; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Kenneth J. Mika, Building Commissioner and Cecile Petro, Redevelopment Director were present.

Additionally present: Steve Mileusnich, Advisory Board of Zoning Appeals; and Ed Dabrowski, IT Consultant were additionally present.

Also Present: Lori Burke, Major Inspector, Lake County Community Development Department; Gary Torrenga, P.E., L.S., Torrenga Engineering; Joseph and Sheila Windsor, Petitioners; Michael Jasaitis, Esq.; Counsel to Petitioners were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 13 March 2017, were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2017 Budget for the Public Safety Local Income Tax (LIT) Fund, in the amount of \$2,300.00.

- (a) Attorney verification of Proofs of Publication: The TIMES 16 March 2017. The Town Attorney verified that the proofs of publication were in compliance with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments or remonstrances. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2017-14:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **Public Safety Local Income Tax (LIT) Fund**, in the amount of \$2,300.00, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Enactment No. 2017-14 and moved its consideration at the same meeting of its introduction, seconded by Councilor Kuiper. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved passage and adoption of Enactment No. 2017-14 at the same meeting of its introduction, seconded by Councilor Wagner. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2017-14**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the PUBLIC SAFETY LOCAL INCOME TAX (LIT) FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Public Safety Local Income Tax (LIT) Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Public Safety Local Income Tax (LIT) Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

PUBLIC SAFETY LOCAL INCOME TAX (LIT) FUND	
Acct. No. 249-0000-3XX.XX Traffic Control Device repair:	\$ 2,300.00
<i>Total Series:</i>	\$ 2,300.00
Fund Total:	\$ 2,300.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 27th day of March 2017. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 27th Day of March 2017, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

2. **Public Hearing on a Petition to Vacate a Public Way or Easement.** Petition filed by *Joseph and Sheila Windsor*, requesting the vacation of an Easement Adjoining their property located at 3722 38th Street, pursuant to IC 36-7-3-12.

- (a) *Review of Proofs of Publication:* TIMES 16 March 2017. Verify the certified mail to the abutting properties. The Town Attorney verified that he proofs of publication and the certified mail were in compliance with IC 5-3-1 and IC 36-7-3-12.
- (b) Public Hearing on the Petition as filed. The Town Council President called the hearing to order.
1. Mark Alvarado, 3715 Wirth Road, Highland, asked about the impact that the proposed house on the property for which an easement vacation was being sought, would have on his adjoining property.

The Building Commissioner/Zoning Administrator indicated that there were provisions regulating drainage that should abate any impact. The Building Commissioner further indicated that after staff reviewed the petitioner, it was determined that there was no need for the easement to be preserved.

2. Debbie Lichtle, 3739 Wirth Road, Highland, despaired of the current retainege pond, noting the ponding she experiences on her property.

It was noted that the retention pond is designed according to the standards set for the governing ordinance.

A colloquy between and among Councilor Herak and Mr. Torrenga of Torrenga Engineering occurred involving whether the easement was in fact needed or not. There being no further inquiries, the Town Council President closed the public hearing.

- (c) Consideration of proposed **Ordinance No. 1643:** An Ordinance to vacate a Public Way or Easement.

Councilor Herak introduced Ordinance No. 1643 and moved its consideration at the same meeting of its introduction, seconded by Councilor Kuiper. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved passage and adoption of Ordinance No. 1643 at the same meeting of its introduction, seconded by Councilor Kuiper. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

ORDINANCE No. 1643
of the
TOWN OF HIGHLAND, INDIANA

AN ORDINANCE VACATING A PUBLIC WAY, PLACE OR EASEMENT PURSUANT TO INDIANA CODE 36-7-3 CHAPTERS 12 AND 16.

WHEREAS, The Town Council of the Town of Highland is the Municipal Legislative Body of the unit;
and

WHEREAS, **Joseph and Sheila J. Windsor**, have filed a petition with the Clerk-Treasurer as clerk of the municipal legislative body, requesting a public hearing on the matter of vacation of a public way, place or easement, the legal description of which is set forth herein; and

WHEREAS, The municipal clerk has caused through the petitioner, notice to be given in the manner prescribed in I.C. 5-3-1, as well as by certified mail to each owner of land that abuts the property proposed to be vacated, and such hearing has been conducted; and

WHEREAS, The Town Council desires to execute a vacation of the aforementioned public way, place or easement pursuant to Indiana Code 36-7-3 et sequitur;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, as follows:

Section 1. That the Town of Highland, by and through its Town Council of the Town of Highland, Lake County, Indiana hereby vacates and forever releases all right, title and interest in and to the following described public way, place or easement to **Joseph and Sheila J. Windsor**:

A public way which is an easement that abuts and is contiguous to the petitioner's property located at **3722-38th Street**, Highland, Lake County, Indiana, which public way or alley is further described as follows:

Part of Lot 2, Woodland Estates 2nd Addition to the Town of Highland, as per plat thereof, recorded in Plat Book 97, page 47 in the Office of the Recorder of Lake County, Indiana and more particularly described as follows: Commencing at the NE corner of said Lot 2; thence S 00°01'30" W along the East line of said Lot 2 a distance of 7.78 feet to the point of beginning; thence continuing S 00°01'30" W along the East line of said Lot 2, a distance of 109.46 feet; thence N 89°59'29" W, a distance of 15.00 feet; thence N 00°01'30" E, a distance of 113.64 feet; thence S 74°25'54" E, a distance of 15.57 feet to the point of beginning, all in Highland, Lake County, Indiana.

Section 2. That the Town Council further finds and determines:

(A) That the vacation would not hinder growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;

(B) That the vacation would not make access to the contiguous lands or lands of any aggrieved persons by means of a public way or difficult or inconvenient;

(C) The vacation would not hinder the public's access to a church, school, or other public building or place; and

(D) The vacation would not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous;

Section 3. That this ordinance will be in full force and effect from and after its passage and adoption, subject and pursuant to provisions of I.C. 36-7-3-12(f).

Introduced and Filed on the 27th day of March 2017. Consideration on First Reading Sustained a vote of 5 in Favor and 0 opposed, pursuant to I.C. 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 27th day of March 2017, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

3. **Public Hearing:** Public Comments for Proposed Uses of Community Development Block Grant Allocation for Fiscal Year 2017 & 2018, approximately set for \$102,130.00.
 - (a) Verification of the Proofs of Publication. TIMES: 16 March 2017. The Town Attorney verified the sufficiency of the proof of publication.
 - (b) Public Hearing and Comment. (Opening remarks may be read) The Town Council President read the following comments and then opened the hearing:

Each spring, the Lake County Community Economic Development Department applies to the U.S. Department of Housing and Urban Development (HUD) for new funding through the Community Development Block Grant program (CDBG).

One of the application requirements is to hold public hearings in the communities where CDBG funding is allocated in order to obtain input from the local citizens on the proposed use(s) of the new funding. For FY 2017 & 2018, the Town of Highland CDBG allocation is approximately **\$102,130.00**.

The most common use of CDBG funds is for infrastructure, including street reconstruction, sanitary sewers, water line extensions, storm drainage improvements, sidewalks, and projects to remove architectural barriers (handicapped access), such as curb cuts and wheelchair ramps. CDBG funds may also be used to eliminate slums and blight through demolition of unsafe buildings or other clearance activities.

CDBG funded infrastructure projects may only be done in areas where the neighborhood is at least 51% low/moderate income according to HUD guidelines. In most cases, an income survey must be done to qualify the area for funding eligibility. The income information taken by the survey is strictly confidential, and is used solely for the purpose of determining the area's eligibility for CDBG funding.

Handicapped access projects and demolition may be done anywhere in a community, without the need for area income determinations.

The public hearing is just the start of the application process for Lake County. There are a series of legal advertisements and comment periods that take place during the summer, prior to final grant approval from HUD in late August. New CDBG funding is released to the County and its entitlement communities on or around **September 1st, and needs to be expended by June 15th of the following year.**

After public comment tonight, the Affirmative Action Program, Section 3 Understanding will be formally approved as part of the consideration of Resolution No. 2017-09.

Finally Project Applications, and supporting documentation, need to be submitted no later than **April 21, 2017** for review by Lake County. I call the public hearing to order. The **floor** is open for comments. Please state your name and address so that the Clerk-Treasurer can capture for the record.

1. Scott Houldieson, 8927 Parrish Avenue, Highland, asked what proposed plans were being considered by the Town Council to be supported by the grant.

With leave from the Town Council, the Public Works Director explained historic uses for the funding. He explained that it might be used for supporting qualifying

residents in the sidewalk repair and replacement program. He further indicated that no plans were formally ready.

There being no further comments, the Town Council President closed the hearing.

- (c) **Resolution No. 2017-10:** A Resolution Authorizing and Directing the Town Council President of the Town of Highland to Submit a project Proposal for Urban County Community Development Block Grant Fund for Federal Fiscal Year 2017-2018.

Councilor Herak moved the passage and adoption of Resolution No. 2017-10. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives.

**Town of Highland
TOWN COUNCIL RESOLUTION NO. 2017-10**

A RESOLUTION AUTHORIZING and DIRECTING the TOWN COUNCIL PRESIDENT of the TOWN OF HIGHLAND TO SUBMIT A PROJECT PROPOSAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS for FEDERAL FISCAL YEARS 2017 AND 2018.

Whereas, Under the provisions of Title I of the Housing and Community Development Act of 1974, as amended to date, Lake County, Indiana, is authorized to provide financial assistance to units of general local government for undertaking and carrying out community development activities; and,

Whereas, It is provided in such act that the unit of general local government shall provided a satisfactory assurance prior to submission of its application, that it has held one public hearing to obtain the views of citizens on community development needs; and,

Whereas, It is desirable and in the public interest that Highland, Indiana, hereinafter called "Town", undertake and carry out community development activities; and,

Whereas, The Town is proposing a project for assistance, under the Housing and Community Development Act of 1974, as amended to date, and proposes to undertake and make available a total project cost of \$102,130.00; and,

Whereas, The Town has held one formal public hearing on the proposed program and has made available to the general public, through the mass media and other sources, information concerning the program; and,

Whereas, The Town has general knowledge of the proposed uses of such funds and is cognizant of the conditions that are imposed in the undertaking and carrying out of community development activities and undertaking with federal financial assistance under Title I, including those prohibiting discrimination because of race, color, creed, sex, or national origin;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the President of the Highland Town Council is hereby authorized to file a Project Proposal for Funds under Title I of the Housing and Community Development Act of 1974, as amended to date, with Lake County, Indiana and provide all information and assurances as may be necessary under the Act;

Section 2. That the Affirmative Action Program associated with this application is hereby approved and the Town Council President is authorized to execute by his signature such documents as may be necessary to support and implement this application;

PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana, this 13th Day of March 2017. Having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/ Dan Vassar, President

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

Section 3 Understanding

The U.S. Department of Housing and Urban Development (HUD) issued regulations that provide the directive to create job opportunities for low-income persons when HUD funds are expended on a construction project. These regulations are known as Section 3 policy. The purpose of the Section 3 policy is to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low-income persons.

Section 3 covered projects are construction, reconstruction, conversion, or rehabilitation of housing, including reduction and abatement of lead based paint hazards, or other public construction which includes building and improvements assisted with HUD housing and community development assistance. Section 3 covered contracts do not include contracts for purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered event.

Fund recipients and contractors must show compliance with the numerical goals set forth by the regulations. The numerical goals for new hires apply only to the number of new hires generated because of the financial assistance for the HUD programs. The numerical goals are not absolute numerical requirements. They are goals that each recipient and contractor should try to reach. The goals, if not met, do not trigger sanctions against the recipient or contractor. However, if challenged on the issue of compliance with Section 3, the recipient or contractor should be ready to demonstrate that they tried to reach these goals. The goals are as follows:

30% of all covered new hires for the year FY 2017 & 2018

In addition, recipients and contractors are required to show compliance with the goal that at least 10% of any building trade activity, which is subcontracted, and 3% of non-building trade activity (construction management, etc.) is awarded to eligible Section 3 business concerns.

Further information regarding these requirements may be found in the Federal Regulations at 24 CFR 135 and the Lake County Section 3 Plan.

I certify that I have read the information above and understand the Section 3. requirements and numerical goals.

Name: _____
Dan Vassar

Date: 13 March 2017

Title: Town Council President

AFFIRMATIVE ACTION PROGRAM IMPLEMENTING SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

SPECIFIC AFFIRMATIVE ACTION STEPS

TOWN OF HIGHLAND agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and project area businesses.

- A. To ascertain from the HUD Area Office Director the exact boundaries of the Section 3 covered project area and where advantageous, seek the assistance of the local officials of the department in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from the appropriate areas the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan or the U.S. Employment Service.
- C. To maintain a list of all lower income area residents who have applied either on their own or on referral from any source and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. To insert this affirmative action plan in all bid documents, and to require all bidders to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish the goals.
- E. To insure that contracts which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project area, are also let on a negotiated basis, wherever feasible when let in a Section 3 covered project area.
- F. To formally contact unions, subcontractors and trade associations, to secure their cooperation for this program.

- G. To insure that all appropriate project are business concerns are notified of pending contractual opportunities.
- H. To maintain records including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
- I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 affirmative action plan.

Dan Vassar
Town Council President

General Orders and Unfinished Business:

1. **Introduced Enactment No. 2017-11:** An Enactment to Authorize, Approve and Ratify Certain Actions Related to Preserving Continuity of Benefits for Corporal L. Potesta and Related Authorizations.
Councilor Herak introduced and filed Enactment No. 2017-11, at the Town Council meeting of March 13, 2017.

Councilor Wagner moved the passage and adoption of Enactment No. 2017-11. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The enactment was adopted.

Town of Highland ENACTMENT NO. 2017-11

AN ENACTMENT TO AUTHORIZE, APPROVE AND RATIFY CERTAIN ACTIONS RELATED TO PRESERVING CONTINUITY OF BENEFITS FOR CORPORAL L. POTESTA AND RELATED AUTHORIZATIONS.

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland, pursuant to IC 36-5 et sequitur;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

WHEREAS, IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

WHEREAS, There was a transition period from the end of authorized medical leave and the effective resumption of active duty for *Corporal L. Potesta* as details related to her duty assessment were confirmed, all occurring during the first several months of 2017;

WHEREAS, Upon the advice of the Town Attorney and the Human Resources and Management consultant, actions were taken to preserve continuity of benefits for Corporal Potesta as the details of the duty assessment following the conclusion of her medical leave were determined;

Whereas, The actions related to preserving continuity of benefits involved payments of employee and employer shares of public safety INPRS, employee share of group insurance, elective premiums to AFLAC and to the Section 125 Flexible Spending Account, according to standing written instructions of the employee;

Whereas, The Town Council has been advised that the foregoing described actions involve worker compensation and require formal authorization and approval by the Town Council as the legislative body; and

Whereas, The Town Council now desires to take such steps as are necessary and desirable to authorize, approve and ratify the actions and compensation that were granted to Police Corporal L. Potesta in order to preserve her continuity of benefits,

NOW, THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council makes the following findings and determinations, pursuant to its authority under IC 36-1-4-16 to ratify the actions of officers *post hoc*, as well as the authority described in the preamble to this enactment:

(A) There was a transition period from the end of authorized medical leave and the effective resumption of active duty for *Corporal L. Potesta* as details related to her duty assessment were confirmed, all occurring during the first several months of 2017;

(B) That during the transition period actions were taken related to preserving Corporal L. Potesta's continuity of benefits that involved making payments of employee and employer shares of public safety INPRS, employee share of group insurance, elective premiums to AFLAC and to the Section 125 Flexible Spending Account according to standing written instructions of the employee, and that these payments were evidenced for the payrolls of February 3, 2017, February 17, 2017, and adjusting deductions taken on the payroll of March 3, 2017;

(C) That the foregoing actions were taken during the pendency of the transition period, upon the advise and with the consultation of the Town Attorney and the Human Resources and Management consultant, with the expectation and the conclusion of the transition period, Town Council formal authority and approval would be sought and granted;

Section 2. (A) That based upon the forgoing, the Town Council does now hereby authorize, approve and ratify the actions taken related to preserving *Corporal L. Potesta's* continuity of benefits – particularly making payments of employee and employer shares of public safety INPRS, employee share of group insurance, elective premiums to AFLAC and to the Section 125 Flexible Spending Account according to standing written instructions of the employee, and that these payments were evidenced for the payrolls of February 3, 2017, February 17, 2017, and the adjusting deductions taken on the payroll of March 3, 2017;

(B) That these actions are hereby expressly authorized, approved and ratified as authorized and pursuant to IC 36-1-4-16;

Section 3. That notwithstanding the requirement to provide reasonable employee compensation according to IC 36-5-3-2, the adoption of this enactment, is elective, in the interest of comity and worker equity, and shall in no way be construed as creating an entitlement for any other workers in any other department.

Introduced and Filed on the 13th day of March 2017. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

DULY ORDAINED, ENACTED and ADOPTED this 27th day of April 2017, by the Town Council of the Town of Highland, Lake County, Indiana, having passed/ not passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

2. Proposed Ordinance No. 1644: An Ordinance To Amend Chapter 14.10 of the Highland Municipal Code Regarding the Redevelopment Department, All Pursuant To I.C. 36-1-5 and I.C. 36-7-14 Et Seq.

Councilor Kuiper introduced and moved the consideration of Ordinance No. 1644 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Wagner moved the passage and adoption of Ordinance No. 1644 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

ORDINANCE No. 1644
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE To AMEND CHAPTER 14.10 OF THE HIGHLAND MUNICIPAL CODE REGARDING THE REDEVELOPMENT DEPARTMENT, ALL PURSUANT TO I.C. 36-1-5 AND I.C. 36-7-14 ET SEQ.

WHEREAS, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

WHEREAS, IC 36-7-4 specifically provides that a unit of local government shall govern planning and development according to its terms and provisions;

WHEREAS, The Town Council has previously adopted the provisions of IC 36-7-14 establishing a redevelopment commission;

WHEREAS, The Highland Town Council has determined that the amendment of the Highland Municipal Code regarding its provisions dealing with the redevelopment commission to be an exercise of local authority consistent with the provisions of IC 36-7-14 and IC 36-1-3 and necessary or desirable in the conduct of its affairs;

WHEREAS, The Highland Town Council has further determined that the amendment of the Highland Municipal Code regarding its provisions dealing with the redevelopment commission would further perfect the municipal code by selectively adopting statutory text; and

WHEREAS, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications desirable to further improve and perfect the Code; and

WHEREAS, The Town Council, is persuaded that it is necessary and desirable to adopt a technical and substantive modification to Chapter 14.10 in order to further improve and perfect the Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Section 14.10.060 of the Highland Municipal Code is hereby repealed in its entirety and amended by successor Section, which shall be identified as Section 14.10.060 and read as follows:

14.10.060 Meetings, organization, quorum and officers.

(A) The redevelopment commissioners shall hold a meeting for the purpose of organization not later than 30 days after they are appointed and, after that, each year on a ~~the first day in January~~ that is not a Saturday, a Sunday, or a legal holiday **and that is their first meeting day of the year.** They shall choose one of their members as president, another as vice-president, and another as secretary. These officers shall perform the duties usually pertaining to their offices, and shall serve from the date of their election until their successors are elected and qualified.

~~(B) The redevelopment commission may appoint a treasurer, who need not be a member of the redevelopment commission. The commission may provide for the payment or compensation to a treasurer who is not a member of the commission. The fiscal officer of the unit establishing a redevelopment commission is the treasurer of the redevelopment commission. Notwithstanding any other provision of IC 36-7-14, but subject to subsection (C), the treasurer has charge over and is responsible for the administration, investment, and disbursement of all funds and accounts of the commission, in accordance with the requirements of this chapter state laws that apply to other funds and accounts administered by the fiscal officer. The treasurer shall report annually to the redevelopment commission before April 1. However, the treasurer may not perform any duties of the fiscal officer or any other officer of the unit that are prescribed by IC 36-7-14-24, or by any provisions of that statute that pertain to the issuance and sale of bonds, notes, or warrants of the special taxing district.~~

(C) The following apply to funds of the redevelopment commission:

- (1) The funds must be accounted for separately by the unit establishing the redevelopment commission and the daily balance of the funds must be maintained in a separate ledger statement.
- (2) Except as provided in subsection (E), all funds designated as redevelopment commission funds must be accessible to the redevelopment commission at any time.
- (3) The amount of the daily balance of redevelopment commission funds may not be below zero (0) at any time.

- (4) The funds may not be maintained or used in a manner that is intended to avoid the wavier procedures and requirements for a unit and the redevelopment commission under subsection (E).
- (D) If the fiscal body of a unit determines that it is necessary to engage in short term borrowing until the next tax collection period, the fiscal body of the unit may request approval from the redevelopment commission to waive the requirement in subsection (C)(2). In order to waive the requirement under subsection (C)(2), the fiscal body of the unit and the redevelopment commission must adopt similar resolutions that set forth:
- (1) the amount of the funds designated as redevelopment commission funds that are no longer accessible to the redevelopment commission under the waiver; and
 - (2) an expiration date for the waiver. If a loan is made to a unit from funds designated as redevelopment funds, the loan must be repaid by the unit and the funds made accessible to the redevelopment commission not later than the end of the calendar year in which the funds are received by the unit.
- (E) Subsections (C) and (D) do not restrict transfers or uses by a redevelopment commission made to meet commitments under a written agreement of the redevelopment commission that was entered into before January 1, 2016, if the written agreement complied with the requirements existing under the law at the time the redevelopment commission entered into the written agreement.
- (F) The treasurer of the redevelopment commission may disburse funds of the redevelopment commission only after the redevelopment commission allows and approves the disbursement. However, the redevelopment commission may, by rule or resolution, authorize the treasurer to make certain types of disbursements before the redevelopment commission's allowance and approval at its next regular meeting.
- (G) The redevelopment commissioners may adopt the rules and bylaws they consider necessary for the proper conduct of their proceedings, the carrying out of their duties, and the safeguarding of the money and property placed in their custody by this chapter. In addition to the annual meeting, the commissioners may, by resolution or in accordance with their rules and bylaws, prescribe the date and manner of notice of other regular or special meetings.
- (H) Three of the redevelopment commissioners constitute a quorum, and the concurrence of three commissioners is necessary to authorize any action. [Ord. 1157 § 4, 2000. Code 2000 § 216.06].

Section 2. That this ordinance shall be effective from and after its passage and adoption, as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on the 27th day of March 2017. Consideration on First Reading Sustained a vote of 5 in Favor and 0 Opposed, pursuant to I.C. 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 27th day of March 2017, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

3. **Resolution No. 2017-13:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Information And Communication Technology Services Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Wagner moved the passage and adoption of Resolution No. 2017-13. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2017-13**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the INFORMATION AND COMMUNICATION TECHNOLOGY SERVICES FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Information and Communication Technology Services Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That is has been shown that certain existing unobligated appropriations of the **Information and Communication Technology Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

INFORMATION & COMMUNICATION TECHNOLOGY FUND

Reduce Account:	#390.01 Depreciation	<u>\$2,941.00</u>
	<i>Total 300 Series Reductions</i>	\$2,941.00
Increase Account:	#430.09 Computer Supplies	<u>\$2,941.00</u>
	<i>Total 400 Series Increases</i>	\$2,941.00
	Total of All Fund Decreases:	\$2,941.00
	Total of All Fund Increases:	\$2,941.00

DULY RESOLVED and ADOPTED this 27th Day of March, 2017 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

4. **Works Board Order No. 2017-08:** An Order of the Works Board Authorizing and Approving a Purchase and Settlement Agreement for the Property Located at 2819 Lincoln Street, Highland, for the Purchase Price of \$2,500, pursuant to IC 36-1-4-5 and IC 36-1-10.5-1(b)(1).

Councilor Herak moved the passage and adoption of Works Board Order No. 2017-08. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed and the order was adopted.

Town of Highland
Board of Works
Order of the Works Board 2017-08

An Order of the Works Board Authorizing and Approving a Purchase and Settlement Agreement for the Property Located at 2819 Lincoln Street, Highland, for the Purchase Price of \$2,500, pursuant to IC 36-1-4-5 and IC 36-1-10.5-1(b)(1).

Whereas, Indiana Code 36-1-10.5 generally governs the purchase of property or real estate by municipal governments;

Whereas, I.C. 36-1-10.5-1(b)(1) expressly exempts purchases of property having a total price (including land and structures if any) of twenty-five thousand dollars (\$25,000) or less;

Whereas, The Belami Group LLC has presented a Settlement Agreement for the Transfer of Real Estate, for a total cost of two-thousand, five hundred dollars (\$2,500) the terms of which the Town Council desires to consent;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A) (1) of the Highland Municipal Code serves as purchasing agency for the Municipal Corporation;

Whereas, The Town Council now desires to approve the agreement for the acquisition of the property described herein and authorize the proper officers to complete the purchase pursuant to the terms stated,

Now Therefore, be it so ordered by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the transfer and settlement agreement between the Belami Group, LLC and the Town of Highland is hereby ratified and approved;

Section 2. That the purchase of the property located at **2819 Lincoln Avenue, Highland**, for a purchase price of \$2,500 is authorized and approved to be supported by an existing appropriation in the appropriate fund, to be determined by the proper officer;

Section 3. That the proper officers of the municipality are hereby authorized to execute all documents necessary to implement and conclude the purchase of the property including ratifying any actions undertaken under the terms of the agreement that may have taken place before the adoption of this order, all pursuant to IC 36-1-4-16;

Section 4. That the proper officers are hereby authorized to take the necessary measures to take all lawful measures, to carryout the purchase of this property, including the payment of the approved purchase fee in advance of board allowance, pursuant to the authority set forth in Section 3.10.010 (A) 12 (h) of the Highland Municipal Code.

Be it So Ordered.

Duly, Passed and Adopted by the Town Council of the Town of Highland, Lake County, Indiana this 27th day of March 2017 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

5. Authorizing the proper officer to publish legal notice of a public hearing to consider additional appropriations in the amount of \$222,500 in the Gaming Revenue Sharing Fund.

Councilor Herak moved to authorize and the proper officer to publish legal notice as indicated. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The proper officer was authorized to publish legal notice of a public hearing as indicated.

Comments from the Town Council:

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison*

Councilor Zemen reported that he met with the Mayor of Homewood Illinois to discuss the disposition of the Town Theater Marquee. The Homewood Mayor opined that its condition was poor and was not optimistic about its prospects for refurbishment. Councilor Zemen also reported that the Homewood Mayor indicated that it was unlikely that Homewood would be interested in the artifact.

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor Herak acknowledged the Public Works Director, who reported on various projects that were underway or in the planning phases.

- **Councilor Steve Wagner:** *Advisory Board of Zoning Appeals Liaison • Redevelopment Commission Liaison.*

Councilor Wagner acknowledged the Building Commissioner, who offered an overview of matters before the Advisory Board of Zoning Appeals.

- **Councilor Konnie Kuiper:** *Town Board of Metropolitan Police Commissioners, Liaison. • Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who reported on a Fire Department response at the Culvers Restaurant to a hood system issue that triggered the fire alarm.

- **Councilor President Dan Vassar:** *Town Executive • Chair of the Board of Police Pension Trustees • Liaison to the Park and Recreation Board.*

The Council President acknowledged the Parks and Recreation Superintendent who reported that the lighting alert system was installed and operational for the several parks that have outdoor ballfields. He noted that that the systems have been tested.

Comments from Visitors or Residents:

1. Larry Kondrat, 8115 Fourth Place East, Highland, inquired about the lightning alerts systems that were referenced in the Parks and Recreation Superintendent's report. He expressed concern about the impact from the noise and whether the system was operational at all times.

With leave from the Town Council, the Parks and Recreation Superintendent explained that the system would activated only during the months of in which baseball or softball begins, and would remain operational through November 1st under current policy. The Superintendent noted that the system ties into NOAA and detects lightning within 10 miles or less. Further, he indicated that the system can be timed to be operational from 3:30 p.m. to 10:00 pm weekdays and from 9:00 a.m. to 10:00 p.m. on weekends during those months.

2. Scott Houldieson, 8927 Parrish Avenue, Highland, asked to obtain a copy of Ordinance No. 1644 that was passed and adopted by the Town Council in the current meeting. Councilor Herak provided a packet copy of the ordinance following his request.

Payment of Accounts Payable Vouchers. There being no further comments from visitors or residents, Councilor Wagner moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **March 14, 2017 through March 27, 2017** and the **payroll docket for March 17, 2017**. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$181,049.38; Motor Vehicle Highway and Street (MVH) Fund, \$25,339.32; Law Enforcement Continuing Education, Training, and Supply Fund, \$1,465.31; Information and Communications Technology Fund, \$5,419.18; Civil Donation Fund, \$100.37; Police Pension Fund (1925 Law), \$3,000.00; Traffic Violations and Law Enforcement Agency Fund, \$6,957.50; Total: \$223,331.06.

Payroll Docket for payday of March 17, 2017:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$15,880.51; Building and Inspection Department, \$8,613.53; Metropolitan Police Department, \$116,369.96; Fire Department, \$2,803.55; Public Works Department (Agency), \$65,503.65 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$209,171.20.

Adjournment of Plenary Meeting. Councilor Zemen moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, March 27, 2017 was adjourned at 7:55 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer